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EXAMINER

USTARIS, JOSEPH G

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/896,231	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> JOSEPH G. USTARIS	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 75-79 and 82-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75-79, 82, 84-92 and 94-99 is/are rejected.
- 7) ☒ Claim(s) 83 and 93 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 03/17/2010 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 75 and 92 that Hoang and Kusaba does not disclose any user involvement in the manner in which VOD programming is delivered to the user independent of playback rate or a user dictating the download duration of the programming. However, reading the claims in the broadest sense, Kusaba, Lett, and Hicks meets that limitation in the claims. Kusaba discloses that a memory (e.g. within the personal computer or television) has application software (See col. 3 lines 63-65 and col. 9 lines 2-13; wherein the client software is installed within the personal computer or television). Furthermore, Kusaba discloses that the processor (e.g. within the personal computer or television) is configured with the application software to provide a first graphics user interface (GUI) comprising download options (e.g. designate channel or input start time) for the reception of media content (e.g. videos) (See Figs. 4C-4E) and a second GUI comprising plural media content choices (e.g. video choices) for which the download options do pertain (See Fig. 4B), the processor further configured with the application software to request from the remote location (See Figs. 1 and 2) a download of a first media content (See Fig. 3), the first media content selected by a user from the second GUI (See Fig. 4B). Furthermore, Lett discloses a GUI that comprises plural media content choices for which the download options do not pertain (See Fig. 5 and 6; channels other than PPV do not have any

Art Unit: 2424

download options). Lett also discloses another GUI that comprises plural user-selectable download durations for the first PRM content (See Figs. 13 and 14; user has various selectable download durations (e.g. 1 day – 1 week)). Furthermore, Hicks discloses downloading content to a hard disk drive (e.g. mass storage device) (See paragraph 0040 and 0070-0071). Furthermore, Hicks discloses purchasable and recordable media (PRM), the PRM content comprising content that is purchased one-time for indefinite use (See paragraph 0025; e.g. purchasing a personal copy of the movie for personal use). Hicks also discloses that the download is independent of a playback rate for the first PRM content (See paragraphs 0040 and 0070-0071).

Applicant further argues with respect to claims 75-79, 82-93, and 95-99 that the combination of Hoang and Kusaba is not obvious. Applicant further states that Kusaba teaches away from conventional VOD architectures. The examiner respectfully disagrees. Both Hoang and Kusaba both disclose VOD systems that are able to offer the user the ability to demand video at a time the user wishes. Furthermore, Kusaba offers improvements to the conventional VOD systems (See Figs. 1-8; col. 1 lines 57-67). Therefore, one of ordinary skill in the art would find it advantageous to apply the teaches of Kusaba to a VOD system disclosed by Hoang in order to enhance the video on demand (VOD) system to make it more adaptable, smooth, and efficient thereby giving the user more control.

Applicant also argues that Lett and Hicks are not combinable. The examiner respectfully disagrees. Both Lett and Hicks deals with the selection and distribution of audio/video data. Hoang and Kusaba also deals with the selection and distribution of

audio/video data. Therefore, one skilled in the art would recognize that Hoang, Kusaba, Lett, and Hicks deals in similar technology field and would be combinable.

Applicant further argues with respect to claim 84, that Lett does not disclose having a non-channel identifier indicator in proximity to the title. However, reading the claims in the broadest sense, Lett does disclose that limitation in the claims. Lett discloses having a non-channel identifier indicator in proximity to the title (See Lett Figs. 5 and 6; PPV indicates download options). The PPV serves as a non-channel identifier indicator because “PPV” indicates to the user that the media content associated with the download options can be downloaded (See Lett Figs. 5, 6, and 13). As defined in the claim rejection, channel identifiers are interpreted as channel numbers, e.g. 5 and 6. Therefore, PPV and WATL are non-channel identifiers indicators because they do not define a channel number.

Applicant argues with respect to claim 82 that Okamoto is not obvious. However, Okamoto discloses a content distribution system similar to the other references that distributes content at varying levels and rates. Okamoto offers content to the user at varying levels and rates (e.g. trial purchases) also. Therefore, Okamoto is considered to be related to the other references.

Applicant also argues that Ellis and Hunter are not obvious. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The features

Art Unit: 2424

of download options and selection of download content have been met by Hoang in view of Kusaba, Lett, and Hicks as discussed in the rejection below.

Applicant also argues with respect to claim 94 that Tomita does not disclose that a term-search is performed by a user on a DVD or CD. However, reading the claims in the broadest sense, Hunter in view of Tomita does disclose that limitation in the claims. Tomita discloses a content distribution system. Tomita discloses a GUI configured to enable the user enter a term-search for media content stored on a medium (See Fig. 18; user is allowed enter terms, e.g. movie and drama), wherein Hunter discloses various mediums (e.g. DVD or CD). Furthermore, the program search conditions screen is a screen that enables a user to set the search conditions. Once the conditions are set by the user, the user can then obtain a list of programs matching the conditions (See Tomita Fig. 18; col. 13 line 53 – col. 14 line 37). Therefore, the search is performed by a user.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 03/10/2010 and 04/09/2010 were filed after the mailing date of the Office Action on 11/17/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 75-79, 84, 92, and 95-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang (US006557030B1) in view of Kusaba et al. (US006510556B1), Lett et al. (US005592551A), and Hicks, III et al. (US20040261112A1).

Regarding claim 75, Hoang discloses a system (Figs. 2 and 3) comprising:

a digital home communication terminal (DHCT) (See Fig. 3, 300) configured to receive media content (See col. 3 lines 40-45) from a remote location (See Figs. 1 and 2) over a network (See col. 1 lines 29-33), the DHCT comprising:

a hard disk drive (See Fig. 3, 308; col. 5 lines 47-50);

a memory (See Fig. 3, 309); and

a processor (See Fig. 3, CPU 304).

However, Hoang does not explicitly disclose that the memory has an application software and that the processor is configured with the application software to provide a first graphics user interface (GUI) comprising download options for the reception of media content and a second GUI comprising plural media content choices for which the download options do and do not pertain, the processor further configured with the

Art Unit: 2424

application software to request from the remote location a download of a first media content to the hard disk drive, the first media content selected by a user from the second GUI, that the media is purchasable and recordable media (PRM), the PRM content comprising content that is purchased one-time for indefinite use, and the download independent of a playback rate for the first PRM content, the first GUI comprising plural user-selectable download durations for the first PRM content.

Kusaba et al. (Kusaba) discloses a video distribution system. Kusaba discloses that a memory (e.g. within the personal computer or television) has application software (See col. 3 lines 63-65 and col. 9 lines 2-13; wherein the client software is installed within the personal computer or television). Furthermore, Kusaba discloses that the processor (e.g. within the personal computer or television) is configured with the application software to provide a first graphics user interface (GUI) comprising download options (e.g. designate channel or input start time) for the reception of media content (e.g. videos) (See Figs. 4C-4E) and a second GUI comprising plural media content choices (e.g. video choices) for which the download options do pertain (See Fig. 4B), the processor further configured with the application software to request from the remote location (See Figs. 1 and 2) a download of a first media content (See Fig. 3), the first media content selected by a user from the second GUI (See Fig. 4B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang to have the memory have an application software and to have the processor be configured with the application software to provide a first graphics user interface (GUI) comprising download options for the



Art Unit: 2424

reception of media content and a second GUI comprising plural media content choices for which the download options do pertain, the processor further configured with the application software to request from the remote location a download of a first media content, the first media content selected by a user from the second GUI, as taught by Kusaba, in order to enhance the video on demand (VOD) system to make it more adaptable, smooth, and efficient thereby giving the user more control (See col. 1 lines 57-67).

Lett et al. (Lett) discloses a video distribution system. Lett discloses a GUI that comprises plural media content choices for which the download options do not pertain (See Fig. 5 and 6; channels other than PPV do not have any download options). Lett also discloses another GUI that comprises plural user-selectable download durations for the first PRM content (See Figs. 13 and 14; user has various selectable download durations (e.g. 1 day – 1 week)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba to have the second GUI include plural media content choices for which the download options do not pertain and have the first GUI include plural user-selectable download durations for the first PRM content, as taught by Lett, in order to provide one convenient location to view various content from different services (e.g. broadcast, PPV, and VOD) (See col. 2 lines 64-67).

Hicks, III et al. (Hicks) discloses a video distribution system. Hicks discloses downloading content to a hard disk drive (e.g. mass storage device) (See paragraph 0040 and 0070-0071). Furthermore, Hicks discloses purchasable and recordable media

Art Unit: 2424

(PRM), the PRM content comprising content that is purchased one-time for indefinite use (See paragraph 0025; e.g. purchasing a personal copy of the movie for personal use). Hicks also discloses that the download is independent of a playback rate for the first PRM content (See paragraphs 0040 and 0070-0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba to download content to a hard disk drive and for the media to include PRM, the PRM content comprising content that is purchased one-time for indefinite use, and that the download is independent of a playback rate for the first PRM content, as taught by Hicks, in order to allow the user to have the option of building their own personal library of movies/music (See paragraph 0025).

Regarding claim 76, wherein the first GUI comprises a download option list (See Lett Figs. 13 and 14), the download option list comprising a selectable first option to download the first PRM content immediately (e.g. start time: current showing) and a selectable second option to delay the download of the first PRM content (e.g. start time: next showing) according to a first duration (e.g. present time to time of next showing (6:30)) (See Lett Figs. 13 and 14).

Regarding claim 77, wherein the download option list comprises a selectable third option to delay the download of the first PRM content according to a second duration (e.g. start time: future showings) (See Lett Fig. 13).

Regarding claim 78, wherein the plural user-selectable rates are presented to a user as choices of different times of a day when a download is complete (See Lett Figs. 13 and 14; user can select a time to complete the download or view the content).

Regarding claim 79, wherein the plural user-selectable rates are presented to a user as choices of same start time (e.g. same day), varying end periods of a day when a download is complete (e.g. completes download/viewing at various periods during the same day) (See Lett Figs. 13 and 14; e.g. 1 day rate).

Regarding claim 84, wherein the second GUI comprises an interactive program guide (IPG) (See Lett Figs. 5 and 6), the IPG comprising a grid having channel identifiers (e.g. channel numbers), titles and corresponding scheduled presentation times, the titles corresponding to broadcast media content for which the download options do not pertain (See Lett Figs. 5 and 6; broadcast channels and PPV channels), the titles further corresponding to media content that also comprise PRM content (See Hicks paragraph 0025) associated with the download options (See Lett Fig. 13), the titles corresponding to the media content associated with the download options having a non-channel identifier indicator in proximity to the title (See Lett Figs. 5 and 6; PPV indicates download options), the indicator suggesting to the user that the media content associated with the download options can be downloaded (See Lett Figs. 5, 6, and 13).

Claim 92 contains the limitations of claim 75 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

Furthermore, Hicks discloses downloading at a defined download rate (e.g. rates greater or lesser than the playback rate) (See paragraphs 0040 and 0070-0071).

Regarding claim 95, the application software to receive the first PRM at the user-selected download rate (See Lett Figs. 13 and 14) using bandwidth reclaimed from excess video on demand bandwidth (See Kusaba Figs. 4C-4E, 421; time table 421 shows excess video on demand bandwidth (e.g. open time slots) that can be reclaimed with the current request), the excess video on demand bandwidth reclaimed from bandwidth previously allocated for a VOD presentation having a session terminated before expiration of the VOD presentation rental period (See Kusaba Figs. 4B-4E, 421; time table 421 shows excess video on demand bandwidth (e.g. open time slots) that can be reclaimed with the current request, wherein the open time slot could exist based on a canceled reservation).

Regarding claim 96, wherein the network comprises a hybrid fiber coaxial (HFC) network (See Hoang col. 1 lines 29-33).

Regarding claim 97, further comprising receiving the first PRM content at the user selected download rate (See Lett Figs. 13 and 14).

Regarding claim 98, wherein the first PRM content is received using bandwidth reclaimed from excess video on demand bandwidth (See Kusaba Figs. 4C-4E, 421; time table 421 shows excess video on demand bandwidth (e.g. open time slots) that can be reclaimed with the current request), the excess video on demand bandwidth reclaimed from bandwidth previously allocated for a VOD presentation having a session terminated before expiration of the VOD presentation rental period (See Kusaba Figs. 4B-4E, 421; time table 421 shows excess video on demand bandwidth (e.g. open time

slots) that can be reclaimed with the current request, wherein the open time slot could exist based on a canceled reservation).

Regarding claim 99, wherein the user-selected download rate is independent of a playback rate of the first PRM content (See Lett Figs. 13 and 14 and Hicks paragraph 0040 and 0070-0071).

5. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang (US006557030B1) in view of Kusaba et al. (US006510556B1), Lett et al. (US005592551A), and Hicks, III et al. (US20040261112A1) as applied to claim 76 above, and further in view of Okamoto et al. (US006901385B2).

Regarding claim 82, Hoang in view of Kusaba, Lett, and Hicks does not disclose wherein the download option list comprises plural download options for a trial purchase of PRM content.

Okamoto et al. (Okamoto) discloses a content distribution system. Okamoto discloses offering media on a trial basis (See abstract, col. 1 lines 15-18, and col. 2 lines 19-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba, Lett, and Hicks to have the download option list comprise plural download options for a trial purchase of PRM content, as taught by Okamoto, in order to provide a system wherein the user is allowed to purchase a trial program, thereby providing the user with the opportunity to view a portion of the media before choosing to buy the entire media.

6. Claims 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang (US006557030B1) in view of Kusaba et al. (US006510556B1), Lett et al. (US005592551A), and Hicks, III et al. (US20040261112A1) as applied to claim 75 above, and further in view of Ellis et al. (US20030188313A1).

Regarding claim 85, Hoang in view of Kusaba, Lett, and Hicks discloses that the second GUI comprises an interactive program guide (IPG) (See Lett Figs. 5 and 6), the IPG further comprising a grid having channels and titles corresponding to the channels (See Lett Figs. 5 and 6).

However, Hoang in view of Kusaba, Lett, and Hicks does not disclose that the IPG includes access by the user to a service guide via a service guide option presented in the IPG.

Ellis et al. (Ellis) discloses an electronic program guide. Ellis discloses that the user has access to a service guide (See Fig. 6) via a service guide option presented in the IPG (See Fig. 6; paragraphs 0133; access the MENU). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba, Lett, and Hicks to include access by the user to a service guide via a service guide option presented in the IPG, as taught by Ellis, in order to enhance the electronic program guide thereby making the guide easier to use for the user (See paragraph 0004).

Regarding claim 86, wherein the processor is further configured with the application software to, responsive to the user selection of the service guide option (See

Art Unit: 2424

Ellis paragraph 0133; accessing the MENU), present a third GUI comprising the service guide (See Ellis Fig. 6), the service guide comprising a plurality of media content options (e.g. TV Guide, NOW SHOWING, MSO LOGO, etc.) with at least one of the media content options associated with the download options (See Ellis paragraph 0134; e.g. NOW SHOWING corresponds to PPV) and at least one of the media content options not associated with the download options (See Ellis Figs. 6 and 18, TV Guide).

Regarding claim 87, wherein the at least one of the media content options associated with the download options includes an option to download at least one of pay per view media content, video on demand media content, music media content, software media content, and game media content (See Hoang col. 3 lines 40-45, Kusaba Figs. 4A-4E, and Hicks paragraph 0070).

7. Claims 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang (US006557030B1) in view of Kusaba et al. (US006510556B1), Lett et al. (US005592551A), and Hicks, III et al. (US20040261112A1) as applied to claim 75 above, and further in view of Hunter et al. (US20020056118A1).

Regarding claim 88, Hoang in view of Kusaba, Lett, and Hicks, does not disclose comprising a secondary storage device coupled to the DHCT, wherein the processor is further configured with the application software to transfer downloaded PRM content stored on the hard disk drive to a medium residing in the secondary storage device.

Hunter et al. (Hunter) discloses a video distribution system. Hunter discloses a secondary storage device (e.g. record device) coupled to the user station (See Fig. 11),

Art Unit: 2424

wherein the processor is further configured with the application software to transfer downloaded media content stored on the hard disk drive to a medium (e.g. DVD) residing in the secondary storage device (See Fig. 11; paragraph 0128). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba, Lett, and Hicks to have a secondary storage device coupled to the DHCT, wherein the processor is further configured with the application software to transfer downloaded PRM content stored on the hard disk drive to a medium residing in the secondary storage device, as taught by Hunter, in order to expand the capabilities of the system thereby allowing the user to build a library of movies on DVD (See paragraph 0128).

Regarding claim 89, wherein the processor is further configured with the application software to provide a fourth GUI (See Hunter Figs. 5-7) that enables the user to archive the PRM content received to the secondary storage device (See Hunter paragraph 0128).

Regarding claim 90, wherein fourth GUI comprises preconfigured lists including a media content list (See Hunter Fig. 7), genre/descriptive list (See Hunter Fig. 5), and medium list (See Hunter Fig. 6), wherein a list entry block for at least one of the preconfigured lists (e.g. medium list) is highlighted (e.g. the title is shown) as a default entry based on metadata (e.g. title) associated with the PRM content residing on the medium (e.g. the title of the movie stored on the DVD) (See Hunter Fig. 6; paragraph 0074).



8. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang (US006557030B1) in view of Kusaba et al. (US006510556B1), Lett et al. (US005592551A), Hicks, III et al. (US20040261112A1), and Hunter et al. (US20020056118A1) as applied to claim 89 above, and further in view of Philips (US20020069412A1) and Tomita et al. (US006732372B2).

Regarding claim 91, Hoang in view of Kusaba, Lett, Hicks, and Hunter does not disclose wherein the fourth GUI comprises at least one of an option to enable a user to configure a characterization of the PRM content residing on the medium and an option to search for PRM content residing on the medium.

Philips discloses a content distribution system. Philips discloses a GUI that enables a user to configure a characterization of the media (e.g. editing the title or information of the media) residing on a medium (See Fig. 6a; edit button; paragraphs 0063-0064 and 0107). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hoang in view of Kusaba, Lett, Hicks, and Hunter to have the fourth GUI comprise at least one of an option to enable a user to configure a characterization of the PRM content residing on the medium, as taught by Philips, in order to expand the capabilities of the system thereby allowing the user to customize the media thereby making the media more organized to their taste (See paragraph 0005).

Tomita et al. (Tomita) discloses a content distribution system. Tomita discloses a GUI that provides the user an option to search for media content residing on a medium (See Fig. 18). Therefore, it would have been obvious to one of ordinary skill in the art at

Art Unit: 2424

the time the invention was made to modify the system disclosed by Hoang in view of Kusaba, Lett, Hicks, and Hunter to have the fourth GUI comprise at least one of an option to search for PRM content residing on the medium, as taught by Tomita, in order to expand the capabilities of the system thereby providing a means for the user to easily locate content that they are looking for.

9. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US20020056118A1) in view of Tomita et al. (US006732372B2).

Regarding claim 94, Hunter discloses a system (See Figs. 4, 11, and 23), comprising:

a storage device comprising one of a digital video disk (DVD) or compact disk (CD) (See Fig. 11, record device and Fig. 23, record device 630; paragraphs 0128 and 0154);

a tuner configured to receive broadcast and on-demand media content (See Fig. 23, 600; paragraph 0150);

a memory with application software (See Fig. 4; paragraph 0064); and

a processor (See Figs. 4 and 23, CPU/microprocessor) configured with application software to provide a graphics user interface (GUI) (See Figs. 5-7) that enables a user to archive broadcast and on-demand media content downloaded to one of the DVD or CD (See paragraphs 0128 and 0154), the broadcast and on-demand media content archived based on metadata (e.g. title of content stored on the DVD)

Art Unit: 2424

associated with the broadcast and on-demand media content (See Fig. 6; paragraph 0074).

However, Hunter does not disclose that the GUI is further configured to enable the user to enter a term-search for media content stored on the DVD or CD.

Tomita et al. (Tomita) discloses a content distribution system. Tomita discloses a GUI configured to enable the user to enter a term-search for media content stored on a medium (See Fig. 18; user is allowed enter terms, e.g. movie and drama). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Hunter to have the GUI be configured to enable the user to enter a term-search for media content stored on medium (e.g. DVD or CD), as taught by Tomita, in order to expand the capabilities of the system thereby providing a means for the user to easily locate content that they are looking for.

### ***Allowable Subject Matter***

10. Claims 83 and 93 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2424

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/  
Primary Examiner, Art Unit 2424